

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 24-cr-194 (ADM/TNL)

Plaintiff,

v.

**ORDER CONTINUING MOTION
FILING DATE AND MOTION
HEARING**

Donatus Ray Harrell,

Defendant.

This matter comes before the Court on Defendant Donatus Ray Harrell's Motion for Continuance of Motion Filing Date and Motion Hearing. ECF No. 23. Defendant has also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act, ECF No. 24.

Defendant requests that the September 16, 2024 motions-filing deadline and the October 11, 2024 motions hearing be extended by five weeks. ECF No. 23. Defendant states that he needs additional time to review discovery and determine whether to file pretrial motions. *Id.*; *see also* ECF No. 24. The Government has no objection to the requested extension. ECF No. 23 at 1. Defendant also seeks an exclusion under the Speedy Trial Act. ECF No. 23; *see* ECF No. 24.

Pursuant to 18 U.S.C. § 3161(h), the Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion to Extend Dates, ECF No. 23, is **GRANTED**.

2. The period of time from **the date of this Order through October 21, 2024**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **October 21, 2024**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

4. **Counsel shall electronically file a letter on or before October 21, 2024, if no motions will be filed and there is no need for a hearing.**

5. All responses to motions shall be filed by **November 4, 2024**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses shall be filed by **November 4, 2024**. D. Minn. LR 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses shall be filed by **November 7, 2024**. D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of

Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **November 15, 2024, at 9:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

10. **TRIAL:**

a. IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT: the following trial and trial-related dates are:

All voir dire questions and jury instructions must be submitted to District Judge Ann D. Montgomery on **a date to be determined**.

This case must commence trial on **a date to be determined** before District Judge Montgomery in Courtroom **to be determined**, U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

b. IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Montgomery to confirm the new trial date.

Dated: September 25, 2024

/s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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